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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,218	12/05/2000	Hirokazu So	2000 1670A	3733

7590 11/12/2003

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EXAMINER

SHERR, CRISTINA O

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,218

Applicant(s)

SO, HIROKAZU

Examiner

Cristina O Sherr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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1. This communication is in response to Applicant's Amendment filed 25 August 2003. Claims 1, 3-5, and 15 have been amended. Claims 1-24 are pending in this case.

Information Disclosure Statement

2. The information disclosure statement (IDS), along with translations submitted 26 February 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the examiner is considering the information disclosure statement.

Response to Arguments

3. Applicant's arguments filed 25 August 2003 have been fully considered but they are not persuasive. Applicant argues that Downs does not disclose providing reproduction control information for determining data to be reproduced. Examiner directs Applicant's attention to Downs et al (US 6,226,618B1), Col 3 ln 40 – 56.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 – 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618B1)

5. Regarding claim 1 –

Downs discloses a recording medium for storing digital data to be read/updated by a data recording and reproducing device, said digital data stored on said recording medium comprising: a plurality of content data reproducible by the data recording and reproducing device; and reproduction control information used to determine said plurality of content data to be reproduced; wherein said reproduction control information includes reproduction sequence information which determines a reproduction order of said plurality of content data while the data recording and reproducing device performs normal reproduction, and reproduction frequency parameters each of which determines a reproduction frequency of said plurality of content data while the data recording and reproducing device performs special reproduction, said reproduction frequency parameters being updateable; wherein said reproduction frequency parameters include attribute data of said content data and wherein said reproduction frequency of said content data is derived from said attribute data (Col 3 ln 40 – 56).

6. Regarding claim 2 -

Downs discloses the recording medium according to claim 1, wherein: said reproduction frequency parameters are updated according to information relevant to said plurality of content data selected at normal reproduction (Col 6 ln 66 – col 7 ln 10).

7. Regarding claim 3 –

Downs discloses the recording medium according to claim 1, wherein: said attribute data of said content data includes information about a date and time of when said plurality of content data was recorded (Col 8 ln 7-15).

8. Regarding claim 4 –

Downs discloses the recording medium according to claim 1, wherein said attribute data of said content data includes information about a date and time of when said plurality of content data was last reproduced (Col 8 ln 7-15).

9. Regarding claim 5 –

Downs discloses the recording medium according to claim 1, wherein said attribute data of said content data includes information about a number of times said plurality of content data has been reproduced (Col 10 ln 15-18).

10. Regarding claim 6 –

Downs discloses a data recording and reproducing device for reproducing digital data to be read/updated in the recording medium of claim 1, said device comprising a determination part operable to read the reproduction control information from the recording medium, and generate information used to determine which of the plurality of content data is to be reproduced based on one of the reproduction sequence information and the reproduction frequency parameters included in the read reproduction control information; a selection part operable to select which of the plurality of content data is to be reproduced based on the information generated by said determination part; and a reproduction part operable to read the plurality of content data selected by said selection part from the recording medium for reproduction (Col 3 ln 40 – 56).

11. Regarding claim 7 –

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Downs discloses the data recording and reproducing device according to claim 6, wherein: said determination part is operable to generate, based on the read reproduction control information, reproduction frequency parameters which indicate a reproduction frequency while the plurality of content data is randomly reproduced; and said selection part is operable to randomly select which of the plurality of content data is to be reproduced in such a manner as to satisfy the reproduction frequency indicated by the reproduction frequency parameters (Col 10 ln 4-19).

12. Regarding claim 8 –

Downs discloses the data recording and reproducing device according to claim 7, wherein: said selection part comprises a random number generator operable to generate a random number; and a random number table operable to interrelate the random number with the plurality of content data, and operable to be used to determine which of the plurality of content data is to be reproduced (Col 13 ln 20-46).

13. Regarding claim 9 –

Downs discloses the data recording and reproducing device according to claim 6, wherein at normal reproduction, said determination part is operable to determine a reproduction order of the plurality of content data based on the reproduction sequence information in the read reproduction control information; and said selection part is operable to select the plurality of content data for reproduction in the reproduction order determined by said determination part (Col 6 ln 66 col 7 ln 10).

14. Regarding claim 10 –

Downs discloses the data recording and reproducing device according to claim 6, further comprising an update part operable to update the reproduction control information recorded on the recording medium by writing new reproduction control information thereon (Col 8 ln 7-15).

15. Regarding claim 11 –

Downs discloses the data recording and reproducing device according to claim 10, wherein: said update part is operable to update the reproduction control information recorded on the recording medium based on information relevant to the plurality of content data selected at normal reproduction (Col 8 ln 7-15).

15. Regarding claim 12 –

Downs discloses the data recording and reproducing device according to claim 6, wherein: said determination part includes a timer operable to generate time information, and determine a reproduction frequency for each of the plurality of content data by using the time information generated by said timer (Col 10 ln 15-18).

16. Claims 13 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618B1)

17. Regarding claim 13 –

Downs discloses a reproduction control information collection system in which an information provider collects reproduction control information, indicative of a user's preference of content data, for sale to a content merchandiser, and rewards the user with a bonus for the reproduction control information, said system comprising:

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a user system provided on a user side; an information provider system provided on an information provider side; and a content merchandiser system provided on a content merchandiser side, wherein said user system, said information provider system, and said content merchandiser system are interconnected with one another via a network for information exchange; said user system is operable to transmit the user reproduction control information indicative of the user's preference of content data over the network; said information provider system is operable to receive the user reproduction control information which came from said user system, and transmit, over the network, the user's reproduction control information together with an ID uniquely identifying the user to said content merchandiser system; in response to the reproduction control information and the ID provided by said information provider system, said content merchandiser system is operable to issue a password uniquely corresponding to the ID, and transmit the password to said information provider system over the network; said information provider system is operable to transmit the password and the ID provided by said content merchandiser system to said user system over the network; said user system is operable to present the ID and the password provided by said information provider system to said content merchandiser system over the network, and ask for the bonus; and said content merchandiser system is operable to identify the user with the presented ID and password, and provide the bonus to the identified user (Col 3 In 40 – 56).

18. Regarding claim 14 –

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Downs discloses the reproduction control information collection system according to claim 13, wherein said user system comprises a communications part operable to communicate with said information provider system and said content merchandiser system via the network; and a reproduction control information management part operable to manage the user reproduction control information for transmission to said information provider system via said communications part with a predetermined timing; said information provider system comprises a communications part operable to communicate with said user system and said content merchandiser system via the network; a user information management part operable to manage information about the user in addition to the ID; and a reproduction control information database operable to interrelate the reproduction control information, the ID, and any corresponding content with one another for storage; and said content merchandiser system comprises: a communications part operable to communicate with said information provider system and said user system via the network; a bonus offer part operable to provide the bonus to said user system via the communications part; and a password management part operable to issue and manage the password, and authenticate a correspondence between the ID and the password presented by said user system (Col 9 ln 60 – col 10 ln 5).

19. Claims 15 – 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618B1)

20. Regarding claim 15 –

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Downs discloses a recording method comprising storing digital data in a recording medium to be read/updated by a data recording and reproducing device; wherein the digital data stored in the recording medium in said storing comprises a plurality of content data reproducible by the data recording and reproducing device; and reproduction control information used to determine the plurality of content data to be reproduced; wherein the reproduction control information includes reproduction sequence information which determines a reproduction order of the plurality of content data while the data recording and reproducing device performs normal reproduction, and reproduction frequency parameters each of which determines a reproduction frequency of the plurality of content data while the data recording and reproducing device performs special reproduction, the reproduction frequency parameters being updateable; wherein said reproduction frequency parameters include attribute data of said content data and wherein said reproduction frequency of said content data is derived from said attribute data (Col 3 In 40 – 56).

21. Regarding claim 16 –

Downs discloses the recording method according to claim 15, further comprising: updating the reproduction frequency parameters according to information relevant to the plurality of content data selected at normal reproduction (Col 6 In 66 – col 7 In 10).

22. Regarding claim 17 –

Downs discloses a recording method according to claim 15, further comprising reading the reproduction control information from the recording medium, and generating information used to determine which of the plurality of content data is to be reproduced

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based on one of the reproduction sequence information and the reproduction frequency parameters included in the read reproduction control information; selecting which of the plurality of content data is to be reproduced based on the information generated by said reading and generating; and reading the plurality of content data selected by said selecting from the recording medium for reproduction (Col 8 ln 7-15).

23. Regarding claim 18 –

Downs discloses the recording method according to claim 17, further comprising: generating, based on the read reproduction control information, reproduction frequency parameters which indicate a reproduction frequency while the plurality of content data is randomly reproduced; and randomly selecting which of the plurality of content data is to be reproduced in such a manner as to satisfy the reproduction frequency indicated by the reproduction frequency parameters (Col 6 ln 66 – col 7 ln 10).

24. Regarding claim 19 –

Downs discloses the recording method according to claim 18, further comprising generating a random number; and interrelating the random number with the plurality of content data using a random number table, and using the random number table to determine which of the plurality of content data is to be reproduced (Col 13 ln 20-46).

25. Regarding claim 20 –

Downs discloses the recording method according to claim 17, further comprising at normal reproduction, determining a reproduction order of the plurality of content data based on the reproduction sequence information in the read reproduction control

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information; and selecting the plurality of content data for reproduction in the reproduction order determined by said determining (Col 6 ln 66 – col 7 ln 10).

26. Regarding claim 21 –

Downs discloses the recording method according to claim 17, further comprising updating the reproduction control information recorded on the recording medium by writing new reproduction control information thereon (Col 8 ln 7-15).

27. Regarding claim 22 –

Downs discloses the recording method according to claim 21, further comprising updating the reproduction control information recorded on the recording medium based on information relevant to the plurality of content data selected at normal reproduction (Col 8 ln 7-15).

28. Regarding claim 23 –

Downs discloses the recording method according to claim 17, further comprising generating time information, and determining a reproduction frequency for each of the plurality of content data by using the generated time information (Col 10 ln 15-18).

29. Claim 24 is rejected under 35 U.S.C. 102(e) as being anticipated by Downs et al (US 6,226,618B1).

30. Downs discloses a reproduction control information collection method in which an information provider collects reproduction control information, indicative of a user's preference of content data, for sale to a content merchandiser, and rewards the user with a bonus for the reproduction control information, said method comprising:

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providing a user system on a user side; providing an information provider system on an information provider side; providing a content merchandiser system on the content merchandiser side; interconnecting the user system, the information provider system, and the content merchandiser system with one another via a network for information exchange; transmitting, using the user system, the user reproduction control information indicative of the user's preference of content data over the network; receiving, using the information provider system, the user reproduction control information which came from the user system, and transmitting, over the network, the user reproduction control information together with an ID uniquely identifying the user to the content merchandiser system; in response to the reproduction control information and the ID provided by the information provider system, issuing, using the content merchandiser system, a password uniquely corresponding to the ID, and transmitting the password to the information provider system over the network; transmitting, using the information provider system, the password and the ID provided by the content merchandiser system to the user system over the network; presenting, using the user system, the ID and the password provided by the information provider system to the content merchandiser system over the network, and asking for the bonus; and identifying, using the content merchandiser system, the user with the presented ID and password, and providing the bonus to the identified user (Col 9 In 60 – col 10 In 35)

31. Examiner's note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

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applied to the specific limitations within the individual claim, other passages and figures may be applied as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

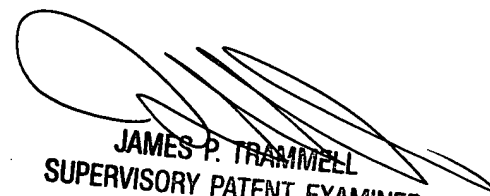
32. THIS ACTION IS MADE FINAL. *Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.*

33. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cristina O Sherr whose telephone number is 703-305-0625. The examiner can normally be reached on Monday through Friday 8:30 to 5:00.

34. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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35. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600